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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,826	02/09/2001	Jerzy Perkitny	MAF 2 0063	8431
7590	02/25/2004		EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP Suite 700 1100 Superior Ave. Cleveland, OH 44114-2518			SHAPIRO, JEFFERY A	
			ART UNIT	PAPER NUMBER
			3653	
DATE MAILED: 02/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,826

Applicant(s)

PERKITNY, JERZY

Examiner

Jeffrey A. Shapiro

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bock in view of Chichester. Bock discloses the following;

As described in Claims 1, 6, 10, 14, 19, 23, 27, 29 and 30;

1. a coin hopper (22);
 - 1a. a sorted coin container (44) positioned below said coin hopper;
2. a coin slide (21) positioned below said coin hopper;
3. a coin separating and sorting assembly (formed by elements (28, 25, 24 and 23) located between said coin hopper and said coin slide, said coin separating and sorting assembly comprising:
 - a. a separating wheel (25) including at least one coin receiving aperture (27) and a toroidal flange (29) extending away from a face of said separating wheel; and;
 - b. a wheel housing (10) on which said separating wheel is supported, said wheel housing including a toroidal channel (30) in which said toroidal flange of said separating wheel is

accommodated (note that the spring (29) enters and exits the channels (30));

c. a coin support surface (27) provided on one of the separating wheel and the wheel housing;

d. a coin rolling surface (28) defined on one of the separating wheel and the wheel housing (note that the surface of ring (28) also acts as a rolling surface, since when the coins contact it, they roll along it as they are propelled by the separating wheel);

e. said at least one coin receiving aperture in said separating wheel includes a curved leading edge (27) having a radius of curvature only slightly larger than a diameter of a largest sized coin meant to be sorted (note that it would be obvious for the diameter of the largest coin to be accommodated by the leading edge, since it would be intended that the largest coin also be handled by the apparatus and therefore fit into the separating wheel appropriately);

As described in Claim 2;

4. said separating wheel further comprises a second toroidal flange having a set of gear teeth (note that it would be obvious to provide a disk with gear teeth so as to drive it, as the disks/plates of Bock are driven by a motor—see p.1, lines 100-110 and p.2, lines 1 and 2);

As described in Claims 3, 15 and 28;

5. a motor (17) having an output shaft (12) operably connected to said gear teeth of said toroidal flange for driving the separating wheel (see see p.1, lines 100-110 and p.2, lines 1 and 2);

As described in Claim 4;

6. a gear train positioned between said output shaft and said gear teeth of said toroidal shaft (see p.1, lines 100-110 and p.2, lines 1 and 2);

7. one gear of said gear train being fastened on said output shaft and another gear of said gear train engaging said gear teeth of said toroidal flange (note that it would be a matter of design choice to include a gear train based upon what power would be required to turn the flange gear);

As described in Claim 5;

8. said wheel housing toroidal channel includes an opening through which said gear teeth of said toroidal flange can be accessed (this is considered to be a functional equivalent of Bock's drive train);

As described in Claim 7;

9. said wheel housing apertures are arranged in a size order (see figure 6);

As described in Claims 8 and 17;

10. at least one of said sorting apertures has a trailing edge with an angled surface (see figures 6 and 7);

As described in Claims 9 and 18;

11. said wheel housing has a central portion located radially inwardly from said plurality of sorting apertures, said central portion having a recessed area in an upper surface thereof (see figure 2, noting that there are several recesses, such as between plates 10 and 23, for example, which appear to meet these limitaitons);

As described in Claims 11, 20 and 24;

12. said leading edge of said plurality of apertures of said separating wheel has a thickness slightly greater than a thickness of a thickest coin meant to be sorted (note that the leading edge would be expected to be greater in thickness than the thickest coin, since it would be desired that the coins have clearance in the coin channel and be positively captured by a leading edge portion);

As described in Claims 16, 25 and 26;

15. a plurality of apertures spaced from each other and arranged in size order (note again that this would be expedient—see also figure 6);

Bock does not expressly disclose, but Chichester discloses the following.

As described in Claims 12 and 21;

13. each of said plurality of apertures in said separating wheel has a diameter *large enough to accommodate a diameter of the largest coin meant to be sorted and wherein a diameter of the largest coin meant to be sorted is smaller than twice the diameter of the smallest diameter coin*

meant to be sorted so that two of the smallest diameter ones of the coins meant to be sorted cannot fit into one aperture;

(See Chichester et al, col. 2, lines 3-6. Note that it would be a matter of design choice as to what denominations are handled by the apparatus and expedient for one ordinarily skilled in the art to provide a diameter that does not allow more than one coin to enter a coin aperture—note also that one ordinarily skilled in the art would be able to recognize that such a combination was possible without undue experimentation.)

As described in Claims 13 and 21;

14. said at least one aperture in said separating wheel has a trailing edge with a tapered surface that is smaller in thickness than is a thickness of a thinnest one of the coins meant to be sorted in order to prevent two of the coins from becoming stacked in a single aperture (see also Chichester et al, col. 2, lines 3-6);

Bock and Chichester are considered to be analogous art because they both concern coin sorting with disks.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have included apertures large enough to accommodate a diameter of the largest coin to be sorted while still preventing two of the smallest coins sorted from entering into an aperture in the apparatus of Bock. Also, it would have been obvious to provide a tapered surface that is smaller in thickness of a thinnest one of the coins meant to be sorted in the apparatus of Bock.

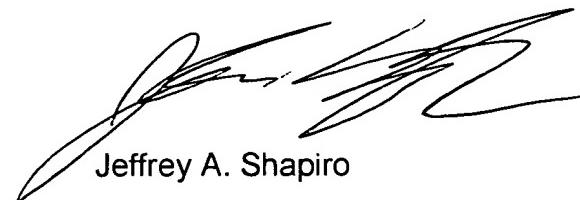
The suggestion/motivation would have been to prevent more than one coin from being included in a sorting aperture. See figure 3 of Bock, for example, which locates one coin in each aperture and p. 2, lines 34-41.

Therefore, it would have been obvious to combine Bock and Chichester to obtain the invention as described in Claims 1-30.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro

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Art Unit: 3653

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Examiner
Art Unit 3653

February 23, 2004



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